

RESOLUTION NO. _____

**A Resolution Of The Board of Trustees Of The Sacramento-Yolo
Mosquito And Vector Control District Revising Policy
Concerning Aquatic Sites for Agriculture, Wetlands
Development, Habitat, Mitigation and Open Space Purposes**

WHEREAS, there has been and is expected to continue be a proliferation of new, and restoration and expansion of existing, aquatic sites for agriculture, wetlands, habitat, mitigation and open space purposes;

WHEREAS, the District is very concerned about public health, nuisance, discomfort and quality of life impacts resulting from mosquito breeding in new, existing and restored Aquatic Sites;

WHEREAS, the District has supported the development of wetlands pursuant to its policy as set forth in Resolution No. 8/20/02B, and the District has been able to adequately control mosquito impacts from new and expanded wetlands (and other Aquatic Sites) principally because of its timely, full and effective use of integrated mosquito management principles in these areas;

WHEREAS, in response to a revised interpretation of the federal Clean Water Act by a federal court decision, the California State Water Resources Control Board has adopted a statewide eneral permit for vector control pesticides under the Clean Water Act's National Pollutant Discharge Elimination System ("NPDES");

WHEREAS, consistent with the federal court case, the statewide general NPDES permit concludes that the application of pesticides to, over or near waters of the U.S. by mosquito abatement districts are subject to the NPDES permitting requirements of the Clean Water Act;

WHEREAS, in August 2011, the District submitted a notice of intent to operate under the new NPDES permit;

WHEREAS, the District is currently participating in a state-wide coalition to defray some of the costly monitoring requirements associated with the NPDES permit, and the District is concerned about the continued monitoring requirements and associated costs of current and future permits;

WHEREAS, there have been increases in water-intensive agricultural operations within the District boundaries, concerns about the use of certain pesticide applications around certain habitat sites with endangered and threatened species, and discussions between local, state and

federal agencies about changes in the delta, and specifically the Yolo Bypass that may result in significant increases in mosquito populations;

WHEREAS, the Aquatic Sites identified above may have or involve significant restrictions on how, when and/or whether the District implements its mosquito management plan;

WHEREAS, all of these factors pose problems, risks and uncertainties for the District, requiring the District to continue to evaluate its approach concerning this matter; and,

WHEREAS, the District Board wishes to reevaluate its policy concerning new and existing and expanded wetland sites and expand the policy to include Aquatic Sites for agriculture, wetlands, habitat, mitigation and open space purposes.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees as follows:

1. The District repeals Resolution 8-20-02-B

2. For the purposes of this resolution, “Aquatic Sites” mean the development of new, or restoration or continued use of existing, areas of land that contain or hold, or may contain or hold, water capable of serving as a breeding or development ground for mosquitoes, including, but not limited to, wildlife refuge areas, duck ponds, marshes, agricultural land with standing water, and wetland areas (natural and artificial/man-made).

3. The Board hereby finds and determines as follows:

- a. Aquatic Sites can provide excellent habitat and breeding grounds for mosquitoes.
- b. If not properly designed, constructed, operated and maintained so as to minimize mosquito breeding, Aquatic Sites will result in significant increases in the number of mosquitoes within the District, and result in adverse public health, nuisance and comfort impacts, particularly in those urban areas located in close proximity to Aquatic Sites.
- c. Sacramento County Health Department and the Yolo County Department of Public Health have advised that wetlands may have a significant negative impact on public health because of the increase in the potential for vector-borne diseases and that public health authorities should be consulted in the design and construction of wetlands.
- d. If not properly designed, constructed, managed and maintained, mosquitoes generated from Aquatic Sites may cause public health impacts and great annoyance, nuisance and discomfort in urban areas of the District, along with resulting adverse economic impacts and decreases in real estate values.
- e. The District supports the preservation of existing Aquatic Sites, and the creation of new and restoration of existing Aquatic Sites so long as (i) designed, constructed, managed, maintained and funded in such a manner as to minimize mosquito related impacts in accordance with “Sacramento-Yolo Mosquito and Vector Control District Guidelines for Mosquito Management on Aquatic Sites,” and (ii) the District is not restricted in implementing and

using its full compliment of integrated mosquito management measures for each site.

4. It is the policy of the District that Aquatic Sites shall be designed, constructed, managed, maintained and funded in such a manner as to minimize mosquito related impacts to threshold levels established by the District Board.

5. The Board affirms and directs staff to implement the requirement of California law that the company, person or government agency claiming ownership, title or right to land is responsible for the abatement of any mosquito-related public nuisance that is caused by, or as a result of, the ownership, alteration, use or management of that land. (Health and Safety Code section 2060(b).) A public nuisance includes any water on the land that is a breeding place for mosquitoes and any land alteration or activity that supports the development or harborage of mosquitoes.

6. The District Manager and his or her designees are authorized and directed to diligently and assertively participate with applicable federal, state, regional and local governmental agencies, local property owners, and non-governmental organizations in the planning, design, construction and management of Aquatic Sites so as to ensure they meet the standards of this resolution. District staff shall also work with these entities to determine and identify who is responsible for the ongoing management of the Aquatic Sites so as to ensure they continue to meet the District standards, and to also identify the source(s) of funding for such management.

7. The District Manager and his or her designees are authorized and directed to diligently and assertively participate in the review and comment procedures under the California Environmental Quality Act, National Environmental Policy Act and other environmental, water and resource planning and opportunities in order to inform and educate other governmental entities, non-governmental organizations and the public of potential impacts resulting from Aquatic Sites and to recommend and advocate mitigation measures, best management practices, design and operation standards and alternatives to avoid or minimize mosquito-related impacts.

8. It is the policy of the District that the owner of the affected property and/or the sponsoring governmental entities pay the cost of managing and controlling mosquito impacts from new and existing Aquatic Sites in such a manner as to comply with the standards of this resolution. In order to implement this policy, the District Manager and his or her designees are hereby authorized and directed to evaluate and analyze the available procedures and options to ensure that the property owners and /or sponsoring government agency pay the costs of control of mosquitoes from Aquatic Sites.

9. The District Manager is hereby authorized and directed to cause a copy of this resolution to be transmitted to all federal, state and local governmental entities and non-governmental organizations involved in the planning, design, construction, operation, maintenance, and management of Aquatic sites, including, but not necessarily limited to, the U.S. Fish and Wildlife Service, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, USDA Natural Resources Conservation Service, State Department of Water Resources, State Department of Fish and Game, California Natural Resources Agency, California State Water Resources Control Board, California Rice Commission, Sacramento and Yolo Agricultural Commissioners, and the Counties of Sacramento and

Yolo and the cities contained within. These entities are also hereby requested to provide and implement appropriate planning, design, construction, management and/or maintenance of Aquatic Sites located within the District boundaries consistent with the policies of this resolution.

PASSED and ADOPTED by the Board of Trustees of the Sacramento-Yolo Mosquito and Vector Control District on this _____ day of _____, 2012, by the following vote:

AYES:

NAYS:

ABSTENTIONS:

ABSENT:

President

Attest:

Secretary